

REMARKS

Claims 1-5 are currently pending. Applicant thanks the Examiner for the allowance of Claims 4 and 5. Claims 1 and 2 have been amended. Applicant respectfully submits that the amendment simply further clarifies the relationship of the elements in claims 1 and 2 and does not raise new issues of patentability. Further, Applicant submits no new matter has been added. Applicant respectfully requests reconsideration of the above-identified application in light of the foregoing amendments and the following remarks.

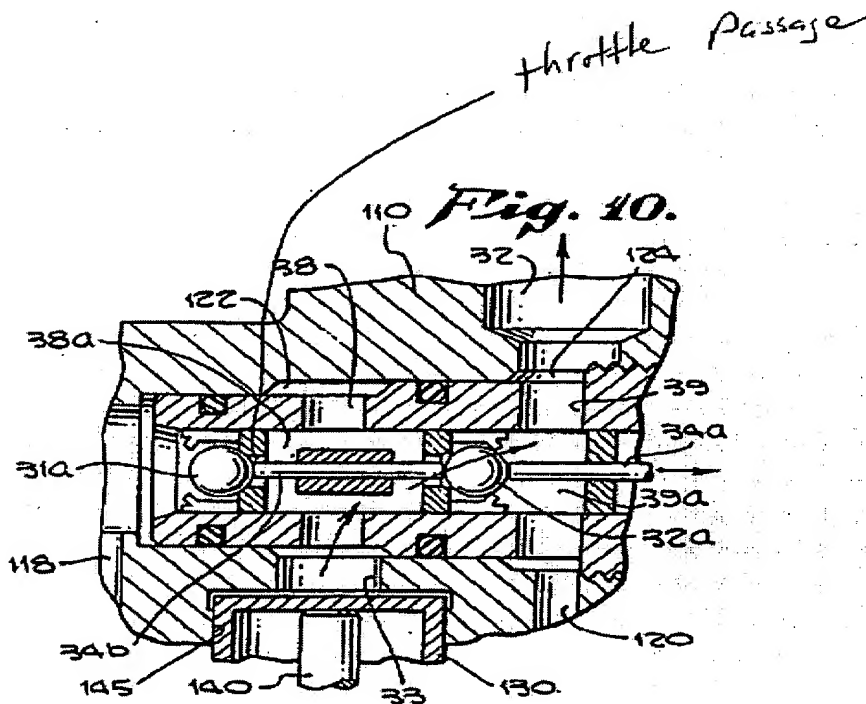
Claim 1 has been amended to recite “an unobstructed throttle passage branching from said fuel supply passage, the unobstructed throttle passage normally communicating with a fuel drain passage upstream from the check valve,” to further clarify the relationship of the elements recited in the claim. Support for this amendment is found throughout the Specification and Drawings, as filed, for example in Figure 1 and the corresponding discussion in the Specification at page 11, line 14-page 12, line 7.

Claim Rejections Under 35 U.S.C. §102

Claims 1 and 2 have been rejected under 35 U.S.C. §102(b) as being anticipated by Beck U.S. Patent No. 4,628,881 (“Beck”). Applicant respectfully traverses this rejection.

Independent claim 1, as amended, recites “wherein there is provided an unobstructed throttle passage branching from said fuel supply passage, the unobstructed throttle passage normally communicating with a fuel drain passage upstream from the check valve.” Applicant respectfully submits that Beck does not teach or suggest “an unobstructed throttle passage” as recited in independent claim 1.

In the August 26, 2004 Office Action, the Examiner asserts that Beck discloses “a throttle passage” which allegedly corresponds to the throttle passage recited in independent claim 1 in the following diagram:



Applicant respectfully disagrees with the characterization of the Beck’s Solenoid valve 30 as anticipating a throttle passage as claimed. Furthermore, Applicant respectfully submits that even assuming, *in arguendo*, that Beck’s Fig. 10 discloses a throttle passage, Beck’s disclosure does not anticipate the “unobstructed” as recited in independent claim 1. More specifically, Applicant submits that the alleged throttle passage is part of solenoid valve 30, as ball 31a and corresponding the valve seat). Regarding the solenoid valve 30, Beck ‘881 discloses “With the plunger in the position shown in Fig. 5a, [solenoid deactivated] liquid fuel, which enters the port 31 cannot enter the interior of the solenoid valve [the alleged throttle passage] because it is stopped by ball 31a which is seated on its valve seat.” (See, Col. 14, lines

61-68 and Fig. 5A)(emphasis added). Simply, the alleged throttle passage is obstructed by ball 31a, as disclosed in Beck's Fig. 5a.

In direct contrast, amended independent claim 1 recites an "unobstructed throttle passage." Applicant respectfully submits that as seen in Fig. 1 and discussed in the specification, for example only at page 11, line 14-page 12, line 7, throttle hole 65 in Fig. 1 forms an unobstructed throttle passage, wherein the term "unobstructed," as recited in amended independent claim 1, means that the throttle passage does not include a valve member such as a solenoid valve, a check valve, or any of the parts of such assemblies. Therefore, Applicant submits that the solenoid valve 30, with obstructing ball 31a does not anticipate "an unobstructed throttle passage normally communicating with a fuel drain passage..." as recited in independent claim 1.

Accordingly, Applicant submits that independent claim 1, as well as claims 2 and 3, which are directly or indirectly dependent therefrom, are patentably distinct from the cited reference for at least this reason. Applicant respectfully requests withdrawal of this ground of rejection.

CONCLUSION

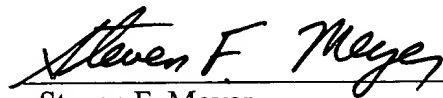
In light of the foregoing, Applicant respectfully submits that all claims, as currently presented, define patentable subject matter over the cited art, considered alone or in combination. Applicant respectfully requests entry of the amendment, reconsideration and withdrawal of the rejection of claims and allowance of this application.

Respectfully submitted,
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A handwritten signature in black ink, reading "Steven F. Meyer", is written over a horizontal line.

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